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PREPARATION OF A DRAFT SUCCESSOR AGREEMENT TO THE INTERNATIONAL AGREEMENT ON JUTE AND JUTE PRODUCTS, 1989

International Instrument of Cooperation on Jute and Jute Products, 2000 *

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* As adopted by the Conference at its 6th plenary session.

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PREAMBLE

The Parties to this Instrument of Cooperation,

Recognizing the importance of jute and jute products to the economies of many countries,

Considering that close international cooperation in finding solutions to the problems facing this commodity will further the economic development of the exporting countries and strengthen economic cooperation between exporting and importing countries,

Considering the significant contribution made by the International Agreements on Jute and Jute Products of 1982 and 1989 towards such cooperation between exporting and importing countries,

Have agreed as follows:

CHAPTER I - OBJECTIVES

Article 1
Objectives

1. For the benefit of members, the objectives of the International Instrument of Cooperation on Jute and Jute Products, 2000 (hereinafter referred to as "this Instrument") shall be:

(a) To provide an effective framework for consultation, international cooperation and policy development among all members with regard to all relevant aspects of the world jute economy;

(b) To promote the expansion and diversification of international trade in jute and jute products;

(c) To encourage the private sector's involvement in the jute sector;

(d) To facilitate the improvement of structural conditions in the jute market;

(e) To create and increase awareness of the beneficial effects of the use of jute as an environmentally-friendly, renewable, biodegradable and natural fibre;

(f) To encourage the enhancement of the competitiveness and quality of jute and jute products;

(g) To maintain and enlarge existing markets as well as to develop new markets for jute and jute products;

(h) To improve market intelligence with a view to ensuring greater transparency in the international jute market;

(i) To develop new end-uses for jute, including new jute products, with a view to enlarging the demand for jute;

(j) To encourage increased processing and value addition of jute and jute products in both exporting and importing countries;

(k) To modernize the production of jute with a view to reducing cost of production, improving, *inter alia*, its unit yield and its quality with a view to increasing net farm incomes and for the benefit of importing and exporting countries;

(l) To develop new technologies for the production of jute products with a view to improving, *inter alia*, their quality and reducing their costs of production;

(m) To develop production and consumption policies so as to provide for the balanced expansion of world demand and supply;

(n) To promote and undertake projects and activities designed to increase the jute-derived earnings in developing jute-producing countries, thereby contributing to the alleviation of poverty in these countries;

(o) To take up special development projects for human resources development, particularly for women in the jute sector, with a view to increasing their employment opportunities and incomes; and

(p) To introduce the application of information technology in the jute sector.

2. The objectives referred to in paragraph 1 of this article should be met, in particular, by means of:

(a) Research and development, product diversification, transfer of technology, market promotion and cost reduction, including human resources development;

(b) Collation and dissemination of information, including market information, relating to jute and jute products;

(c) Consideration of important issues concerning jute and jute products such as the issues of price instability, supplies and competition with synthetics and other substitutes;

(d) Undertaking studies on the dynamics of the international jute economy, on the economics of jute production and marketing and on the short- and long-term trends of the world jute economy and related issues;

(e) Encouraging private-sector participation by creating a forum for investors, buyers and sellers; and

(f) Promoting increased use of jute and jute products to meet environmental concerns.

CHAPTER II - DEFINITIONS

Article 2
Definitions

For the purposes of this Instrument:

(1) "Jute" means raw jute, kenaf and other allied fibres, including *Urena lobata, Abutilon avicennae* and *cephalonema polyandrum*;

(2) "Jute products" means products made wholly or almost wholly of jute, or products whose largest component by weight is jute;

(3) "Member" means a Government of a sovereign State or an intergovernmental organization as provided for in article 4 which has consented to be bound by this Instrument provisionally or definitively;

(4) "Exporting member" means a member whose exports of jute and jute products exceed its imports of jute and jute products and which has declared itself to be an exporting member;

(5) "Importing member" means a member whose imports of jute and jute products exceed its exports of jute and jute products and which has declared itself to be an importing member;

(6) "Special vote" means a vote requiring at least two thirds of the votes cast by exporting members present and voting and at least two thirds of the votes cast by importing members present and voting, counted separately, on condition that these votes are cast by a *majority* of exporting members and by at least *four* importing members present and voting;

(7) "Simple distributed majority vote" means a vote requiring more than half of the total votes of exporting members present and voting and more than half of the total votes of the importing members present and voting counted separately. The votes required for exporting members must be cast by a majority of exporting members present and voting;

(8) "Financial year" means the period from 1 July to 30 June inclusive;

(9) "Jute year" means the period from 1 July to 30 June inclusive;

(10) "Exports of jute" or "exports of jute products" means any jute or jute products which leave the customs territory of any member; and "imports of jute" or "imports of jute products" means any jute or jute products which enter the customs territory of any member, provided that, for the purposes of these definitions, customs territory shall, in the case of a member which comprises more than one customs territory, be deemed to refer to the combined customs territories of that member; and

(11) "Freely usable currencies" means the deutsche mark, the French franc, the Japanese yen, the pound sterling, the United States dollar and any other currency which has been designated from time to time by a competent international monetary organization as being in fact widely used to make payments for international transactions and widely traded in the principal exchange markets.

CHAPTER III - ORGANIZATION AND ADMINISTRATION

Article 3

Headquarters, structure and continuation of the International Jute Organization

1. The International Jute Organization, established under the International Agreement on Jute and Jute Products, 1982, and maintained in existence under the International Agreement on Jute and Jute Products, 1989, shall continue in being for the purpose of administering the provisions and supervising the operation of this Instrument.

2. The Organization shall function through the International Jute Council, the Finance and Audit Committee and the Committee on Projects as permanent bodies, and the Executive Director and the staff. The Council may, by special vote, establish for specific purposes, additional committees and working groups with specified terms of reference.

3. The headquarters of the Organization shall be in Dhaka, Bangladesh.

Article 4
Membership of the Organization

1. Membership of the Organization shall be open to all States which are interested in the production or consumption of, or international trade in, jute and jute products, and to any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international instruments for cooperation with regard to commodities.

2. There shall be two categories of membership in the Organization, namely:

(a) Exporting; and

(b) Importing.

3. A member may change its category of membership on such conditions as the Council shall establish.

Article 5
Associate members

The Council may by special vote decide in favour of establishing a category of associate members. The Council shall in that event make rules concerning the eligibility, the rights and obligations of such associate members.

CHAPTER IV - INTERNATIONAL JUTE COUNCIL

Article 6
Composition of the International Jute Council

The highest authority of the Organization shall be the International Jute Council, which shall consist of all the members of the Organization.

Article 7
Powers and functions of the Council

1. The Council shall exercise all such powers and perform or arrange for the performance of all such functions as are necessary to carry out the provisions of this Instrument.

2. The Council shall, by special vote, adopt such rules and regulations as are necessary to carry out the provisions of this Instrument and as are consistent therewith, including its own rules of procedure and the financial and staff regulations of the Organization.

Article 8
Chairperson and Vice-Chairperson of the Council

The Council shall elect for each jute year a Chairperson and a Vice-Chairperson, who shall not be paid by the Organization.

Article 9
Sessions of the Council

1. The Council shall hold at least one regular session in each jute year.

2. The Council shall meet in special session whenever it so decides or at the request of:

(a) The Executive Director, in agreement with the Chairperson of the Council; or

(b) A majority of exporting members or a majority of importing members; or

(c) Members holding at least 500 votes.

Article 10
Distribution of votes

1. The exporting members shall together hold 1,000 votes and the importing members shall together hold 1,000 votes.

2. The votes of the exporting members shall be distributed as follows:

Each exporting member shall have 30 basic votes; the remaining votes shall be distributed in proportion to the average volume of their net exports of jute and jute products over the most recent three-year period for which relevant statistics are available, subject to the provisions of paragraphs 4 and 5 below.

3. The votes of the importing members shall be distributed as follows:

Each importing member shall have 5 basic votes; the remaining votes shall be distributed in proportion to the average volume of their net imports of jute and jute products over the most recent three-year period for which relevant statistics are available, subject to the provisions of paragraphs 4 and 5 below.

4. If, for any reason, difficulties should arise in the determination of votes through the use of the prescribed methodology provided for in paragraphs 2 and 3 of this article, the Council may, by special vote, decide on a different methodology for the calculation of votes.

5. No member shall have more than 475 votes. Any votes over this figure arising from the calculations in paragraphs 2, 3 and 4 of this article shall be redistributed among other members of the relevant membership category on the same basis of computation as provided for under those paragraphs.

6. The Council shall distribute the votes for each financial year at the beginning of the last session of the preceding year in accordance with the provisions of this article. Such distribution shall remain in effect for the full jute year, except as provided for in paragraph 7 of this article.

7. Whenever the membership of the Organization changes or when any member has its voting rights suspended or restored under any provision of this Instrument, the Council shall redistribute the votes within the affected category or categories of members in accordance with the provisions of this article. The Council shall decide the date on which the redistribution of votes shall become effective.

8. There shall be no fractional votes.

Article 11
Voting procedure of the Council

Each member shall be entitled to cast the number of votes it holds and no member shall be entitled to divide its votes.

Article 12
Decisions and recommendations of the Council

1. The Council shall endeavour to take all decisions, and make all recommendations, by consensus. If a consensus is not arrived at, all decisions of the Council shall be taken, and all recommendations shall be made, by a simple distributed majority vote, unless this Instrument provides for a special vote.

2. All decisions and recommendations of the Council shall be consistent with the provisions of this Instrument.

Article 13

Cooperation with other organizations and admission of observers

1. The Council shall make whatever arrangements are appropriate for consultation or cooperation with the United Nations, its specialized agencies, such as the Food and Agriculture Organization and the United Nations Industrial Development Organization, and its subsidiary bodies, such as the United Nations Conference on Trade and Development, the United Nations Development Programme, the International Trade Centre UNCTAD/WTO and the United Nations Environment Programme, and with other intergovernmental organizations and non-governmental organizations, as may be appropriate.

2. The Organization shall, to the maximum extent possible, utilize the facilities, services and expertise of the bodies mentioned under paragraph 1 of this article in order to avoid duplication of efforts in achieving the objectives of this Instrument and to enhance the complementarity and efficiency of its activities.

3. The Council may invite any non-member country or any of the organizations referred to in this article or those organizations and entities concerned with international trade in jute and jute products or with the jute industry to attend as observers any of the meetings of the Council or of its Committees. The Council may, under its rules of procedure, establish more detailed guidelines for the admission of observers.

Article 14

Executive Director and staff

1. The Council shall, by special vote, appoint the Executive Director. The terms and conditions of appointment of the Executive Director shall be determined under the rules of procedure of the Council.

2. The Executive Director shall be the chief administrative officer of the Organization and shall be responsible to the Council for the administration and operation of this Instrument in accordance with the decision of the Council.

3. The Executive Director shall appoint the staff in accordance with the regulations established by the Council. The Council shall, by special vote, decide on the number of executive, professional and general service staff the Executive Director may appoint. Any changes in the number of posts shall be decided by the Council by special vote. The staff shall be responsible to the Executive Director.

CHAPTER V - PRIVILEGES AND IMMUNITIES

Article 15
Privileges and immunities

1. The Organization shall have international legal personality. The Organization shall in particular have the capacity to contract, to acquire and to dispose of movable and immovable property and to institute legal proceedings.

2. The Organization shall operate under a Headquarters agreement with the host Government. The Headquarters agreement with the host Government relates to such items as status, privileges and immunities of the Organization, of its Executive Director, its staff and experts, and of delegations of members, as are reasonably necessary for the purpose of discharging their functions.

CHAPTER VI - FINANCE

Article 16
Financial accounts

1. There shall be established two accounts:

   (a) The Administrative Account;

   (b) The Special Account.

2. The Executive Director shall be responsible for the administration of these accounts and the Council shall make provision in its rules of procedure therefor.

3. The Finance and Audit Committee shall scrutinize and review the budget proposals, expenditure, accounts and audit report of the Organization and make its recommendation to the Council.

Article 17
Forms of payment

1. Contributions to the Administrative Account shall be paid in freely usable currencies.

3. Financial contributions to the Special Account shall be paid in freely usable currencies and may be exempt from foreign exchange restrictions.

3. The Council may also decide to accept other forms of contributions to the Special Account, including scientific and technical equipment or manpower, to meet the requirements of approved projects.

Article 18
Audit and publication of accounts

The Council shall appoint auditors for the purpose of auditing its accounts.

Article 19
Administrative Account

1. The expenses necessary for the administration of this Instrument shall be brought into the Administrative Account and shall be met by annual contributions from members in accordance with their respective constitutional or institutional procedures assessed in accordance with this article.

2. During the second half of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year and shall assess the contribution of each member to that budget.

3. The contribution of each member to the administrative budget for each financial year shall be in the proportion which the number of its votes for that financial year bears to the total votes of all the members. In assessing contributions, the votes of each member shall be calculated without regard to the suspension of any member's voting rights or any redistribution of votes resulting therefrom.

4. The unspent balance of the administrative budget of any year shall, unless the Council decides otherwise by special vote, be transferred to the working reserve under the administrative account.

Article 20
Special Account

1. There shall be established two sub-accounts under the Special Account:

(a) The Pre-Project Sub-Account; and

(b) The Project Sub-Account.

2. All expenditures for the Pre-Project Sub-Account shall be reimbursed from the Project Sub-Account if projects are subsequently approved and funded. If within six months of the entry into force of this Instrument the Council does not receive any funds for the Pre-Project Sub-Account, it shall review the situation and take appropriate action.

3. All receipts pertaining to specific identifiable projects shall be brought into the Special Account. All expenditures incurred on such projects, including remuneration and travel expenses of consultants and experts, shall be charged to the Special Account.

4. The possible sources of finance for the Special Account shall include:

(a) The Common Fund for Commodities;

(b) Regional and international financial institutions, including the United Nations Development Programme, the World Bank, the Asian Development Bank, the International Fund for Agricultural Development, the Inter-American Development Bank and the African Development Bank; and

(c) Voluntary contributions.

5. The Council shall, by special vote, establish terms and conditions on the basis of which it would, when and where appropriate, sponsor projects for loan financing, where a member or members have voluntarily assumed full obligations and responsibilities for such loans. The Organization shall incur no obligations for such loans.

6. The Council may nominate and sponsor any entity with the consent of that entity, including a member or members, to receive loans for the financing of approved projects and to undertake all the obligations involved, except that the Organization shall reserve for itself the right to monitor the use of resources and to follow up on the implementation of projects so financed. However, the Organization shall not be responsible for guarantees given by individual members or other entities.

7. No member shall be responsible by reason of its membership in the Organization for any liability arising from borrowing or lending by any other member or entity in connection with projects.

8. In the event that voluntary unearmarked funds are offered to the Organization, the Council may accept such funds. Such funds may be utilized for pre-project activities as well as for approved projects.

9. The Executive Director shall endeavour to seek, on such terms and conditions as the Council may decide, adequate and assured finance for projects approved by the Council.

10. The resources of the Special Account shall be used only for approved projects or for pre-project activities.

11. Contributions for specified approved projects shall be used only for the projects for which they were originally intended unless otherwise decided by the Council in agreement with the contributor. After the completion of a project, the Organization shall return to each contributor for specific projects the balance of any funds remaining *pro rata* to each contributor's share in the total of the contributions originally made available for financing that project unless otherwise agreed to by the contributor.

12. The Council may, when appropriate, review the financing of the Special Account.

CHAPTER VII – RELATIONSHIP WITH THE COMMON FUND FOR COMMODITIES

Article 21
Relationship with the Common Fund for Commodities

The Organization shall take full advantage of the facilities of the Common Fund for Commodities, including, if applicable, entering into a mutually acceptable agreement with the Common Fund in accordance with the principles set out in the agreement establishing the Common Fund for Commodities.

CHAPTER VIII - OPERATIONAL ACTIVITIES

Article 22
Projects

1. In order to achieve the objectives set out in article 1, the Council shall, on a continuing basis and in accordance with the provisions of article 13, paragraph 1, identify, arrange for the preparation and implementation of, and, with a view to ensuring their effectiveness, follow up, monitor and evaluate projects in the fields of research and development, market promotion and cost reduction, which may include human resources development, and other relevant projects approved by the Council.

2. The Executive Director shall submit proposals on projects referred to in paragraph 1 of this article to the Committee on Projects. Such proposals shall be circulated to all members at least two months before the session of the Committee at which they are to be considered. On the basis of these proposals, the Committee shall decide which pre-project activities shall be

undertaken. Such pre-project activities shall be arranged by the Executive Director in accordance with the rules and regulations to be adopted by the Council.

3. The results of the pre-project activities, including detailed costs, possible benefits, duration, location and possible executing agencies, shall be submitted by the Executive Director to the Committee after circulation to all members at least two months before the session of the Committee at which they are to be considered.

4. The Committee shall consider the results of such pre-project activities and make recommendations on the projects to the Council.

5. The Council shall consider the recommendations and shall, by special vote, decide on the proposed projects for financing in accordance with articles 20 and 26.

6. The Council shall decide on the relative priorities of projects.

7. The Council shall obtain the approval of a member before approving a project in the territory of that member.

8. The Council may, by special vote, terminate its sponsorship of any project.

9. The Council may, under certain terms and conditions, delegate to the Committee on Projects its powers relating to the approval of projects and pre-project activities.

Article 23
Research and development

Projects relating to research and development should, *inter alia*, be aimed at:

(a) Improving agricultural productivity and fibre quality;

(b) Improving technologies and manufacturing processes for existing and new products;

(c) Finding new end-uses and improving existing products;

(d) Encouraging increased and further processing of jute and jute products.

Article 24
Market promotion

Projects relating to market promotion should, *inter alia*, be aimed at the consolidation and expansion of markets for existing products and developing markets for new products.

Article 25
Cost reduction

The projects relating to cost reduction should, *inter alia,* be aimed at, insofar as is appropriate, improving processes and techniques relating to agricultural productivity and fibre quality, as well as improvement of processes and techniques relating to labour, material and capital costs in the jute manufacturing industry, and developing and maintaining, for the use of members, information on the most efficient processes and techniques currently available to the jute economy.

Article 26
Criteria for approval of projects

Approval of projects shall be based on criteria that are seen to be clearly consistent with the attainment of one or more of the objectives of this Instrument, as listed in article 1. The Council shall establish rules for the purposes of this article.

Article 27
Committee on Projects

1. A Committee on Projects (hereafter referred to as "the Committee" in this article) is hereby established. It shall be responsible to, and work under the general direction of, the Council.

2. Participation in the Committee shall be open to all members, associate members and observers. The rules of procedure as well as the distribution of votes and voting procedure of the Committee shall be those of the Council *mutatis mutandis*. The Committee shall normally meet twice a year. It may, however, meet more frequently at the request of the Council.

3. The functions of the Committee shall be:

(a) To consider and technically appraise and evaluate project proposals referred to in article 22;

(b) To decide on pre-project activities; and

(c) To make recommendations to the Council relating to projects.

CHAPTER IX - CONSIDERATION OF IMPORTANT ISSUES CONCERNING JUTE AND JUTE PRODUCTS

Article 28
Consideration of price instability, competition with synthetics and other issues

1. The Council shall consider issues relating to price instability, and supplies of jute and jute products for export with a view to finding solutions therefor.

2. The Council shall consider issues relating to competition between jute and jute products on the one hand, and synthetics and substitutes on the other.

3. The Council shall make arrangements for the continuing consideration of other important issues relevant to jute and jute products.

CHAPTER X - STATISTICS, STUDIES AND INFORMATION

Article 29
Statistics, studies and information

1. The Organization shall collect, collate, analyse and, as necessary, publish such statistical information on production, trade, supply, stocks, consumption and prices of jute, jute products, synthetics and other substitutes, and all other relevant information, as is necessary for the operation of this Instrument.

2. Members shall furnish statistics and information within a reasonable time to the fullest extent possible not inconsistent with their national legislation.

3. The Council shall arrange to have studies undertaken on the subjects enumerated in article 1 of this Instrument.

4. The Council shall ensure that no information published shall prejudice the confidentiality of the operations of persons or companies producing, processing or marketing jute, jute products, synthetics or substitutes.

5. The Council shall take such measures as are considered necessary to give publicity to and information about jute and jute products.

Article 30

Annual report and report on assessment and review

1. The Council shall, within six months of the close of each jute year, publish an annual report on the activities of the Organization and such other information as it considers appropriate.

2. The Council shall annually assess and review the world jute situation and outlook, including the state of competition with synthetics and substitutes, and shall inform members of the results of the review.

3. The review shall be carried out in the light of information supplied by members in relation to national production, stocks, exports and imports, consumption and prices, of jute and jute products and synthetics and substitutes and such other information as may be available to the Council, either directly or through the appropriate organizations in the United Nations system, including the United Nations Conference on Trade and Development and the Food and Agriculture Organization, and appropriate intergovernmental and non-governmental organizations.

CHAPTER XI - MISCELLANEOUS

Article 31

General obligations of members

1. Members shall for the duration of this Instrument use their best endeavours and cooperate to promote the attainment of its objectives and to avoid action in contradiction to them.

2. Members shall undertake to accept as binding, in accordance with the laws of each member, decisions of the Council under the provisions of this Instrument, and shall seek to refrain from implementing measures which would have the effect of limiting or running counter to them.

3. The liability of members arising from the operation of this Instrument, whether to the Organization or to third parties, shall be limited to the extent of their obligations regarding contributions in accordance with chapter VI.

Article 32

Relief from obligations

1. Where it is necessary, on account of exceptional circumstances or an emergency or *force majeure* not expressly provided for in this Instrument, the Council may, by special vote, relieve a member of an obligation under this Instrument if it is satisfied by an explanation from that

member regarding the reasons why the obligation cannot be met.

2. The Council, in granting relief to a member under paragraph 1 of this article, shall state explicitly the terms and conditions on which, and the period for which, the member is relieved of such obligation and the reasons for which the relief is granted.

Article 33
Differential and remedial measures

1. Developing importing members whose interests are adversely affected by measures taken under this Instrument may apply to the Council for appropriate differential and remedial measures.

2. Without prejudice to the interests of other exporting members, the Council shall, in all its activities, give special consideration to the needs of a particular least developed exporting member.

CHAPTER XII - FINAL PROVISIONS

Article 34
Signature, ratification, acceptance and approval

1. This Instrument shall be open for signature at United Nations Headquarters from 1 July 2000 to 30 June 2001 by Governments invited to the United Nations Conference on Jute and Jute Products, 2000.

2. Any Government referred to in paragraph 1 of this article may:

(a) At the time of signing this Instrument, declare that by such signature it expresses its consent to be bound definitively by this Instrument;

(b) After signing this Instrument, ratify, accept or approve it by the deposit of an instrument to this effect with the depositary.

Article 35
Depositary

The Secretary-General of the United Nations is hereby designated as the depositary of this Instrument.

Article 36
Notification of provisional application

1. A signatory Government which intends to ratify, accept or approve this Instrument, or a Government for which the Council has established conditions for accession but which has not yet been able to deposit its instrument, may at any time, notify the depositary that it will apply this Instrument provisionally either when it enters into force in accordance with article 37 or, if it is already in force, at a specified date. At the time of its notification of provisional application, each Government shall declare itself to be an exporting member or an importing member.

2. A Government which has notified under paragraph 1 of this article that it will apply this Instrument either when this Instrument enters into force or, if this Instrument is already in force, at a specified date shall, from that time, be a provisional member of the Organization until it deposits its instrument of ratification, acceptance, approval or accession and thus becomes a member.

Article 37
Entry into force

1. This Instrument shall enter into force definitively on 1 July 2000 or on any date thereafter, if by that date three Governments accounting for at least 85 per cent of net exports as set out in annex A to this Instrument, and 20 Governments accounting for at least 65 per cent of net imports as set out in Annex B to this Instrument, have signed this Instrument pursuant to article 34, paragraph 2 (a), or have deposited their instruments of ratification, acceptance, approval or accession.

2. This Instrument shall enter into force provisionally on 1 July 2000 or on any date thereafter, if by that date three Governments accounting for at least 85 per cent of net exports as set out in annex A to this Instrument, and 20 Governments accounting for at least 65 per cent of net imports as set out in annex B to this Instrument, have signed this Instrument pursuant to article 34, paragraph 2 (a), or have deposited their instruments of ratification, acceptance or approval, or have notified the depositary under article 36 that they will apply this Instrument provisionally.

3. If the requirements for entry into force under paragraph 1 or paragraph 2 of this article have not been met on 1 July 2001, the Secretary-General of the United Nations shall invite those Governments which have signed this Instrument pursuant to article 34, paragraph 2 (a), or have deposited instruments of ratification, acceptance or approval, or have notified the depositary that they will apply this Instrument provisionally, to meet at the earliest time practicable and to decide to bring this Instrument into force provisionally or definitively among themselves in whole or in part. While this Instrument is in force provisionally under this paragraph, those Governments which have decided to bring this Instrument into force provisionally among themselves in whole

or in part shall be provisional members. Such Governments may meet to review the situation and decide whether this Instrument shall enter into force definitively among themselves, or continue in force provisionally, or terminate.

4. . For any Government that deposits its instrument of ratification, acceptance, approval or accession after the entry into force of this Instrument, it shall enter into force for that Government on the date of such deposit.

Article 38
Accession

This Instrument shall be open for accession by the Governments of all States. Accession shall be effected by the deposit of an instrument of accession with the depositary.

Article 39
Amendments

1. Before this Instrument enters into force, amendments to it may be recommended, by special vote, by the Council, acting under the International Agreement on Jute and Jute Products, 1989, as extended, in accordance with the provisions of the Agreement.

2. After this Instrument enters into force, amendments to it may be recommended, by special vote, by the Council, acting under the International Instrument of Cooperation on Jute and Jute Products, 2000, in accordance with the provisions of the Instrument.

3. Any State invited to the United Nations Conference on Jute and Jute Products, 2000 may become a party to the International Instrument of Cooperation on Jute and Jute Products, 2000, as amended, in accordance with the provisions of the Instrument.

4. An amendment shall enter into force 30 days after the depositary has received notifications of acceptance from members constituting a majority of the exporting members and accounting for at least 66 per cent of the votes of the exporting members, and from members constituting a majority of the importing members and accounting for at least 66 per cent of the votes of the importing members.

Article 40
Withdrawal

1. A member may withdraw from this Instrument at any time after the entry into force of this Instrument by giving written notice of withdrawal to the depositary. That member shall simultaneously inform the Council of the action it has taken.

2. Withdrawal shall become effective 90 days after the notice is received by the depositary.

Article 41
Settlement of accounts

1. In accordance with this article, the Council shall determine any settlement of accounts with a member which ceases to be a party to this Instrument.

2. The Council shall retain any contribution paid to the Administrative Account by a member which ceases to be a party to this Instrument.

3. A member which has received an appropriate refund under this article shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organization nor shall such a member be liable for any deficit incurred by the Organization after such refund has been made.

Article 42
Duration, extension and termination

1. This Instrument shall remain in force for a period of five years after its entry into force unless the Council, by special vote, decides to extend, renegotiate or terminate it in accordance with the provisions of this article.

2. The Council may, by special vote, decide to extend this Instrument.

3. If a new instrument is negotiated and enters into force during any period of extension of this Instrument. this Instrument, as extended, shall terminate upon the entry into force of the new Instrument.

4. The Council may at any time, by special vote, decide to terminate this Instrument with effect from such date as it may determine.

5. Notwithstanding the termination of this Instrument, the Council shall continue in being for a period not exceeding 18 months to carry out the liquidation of the Organization, including the settlement of accounts, and, subject to relevant decisions to be taken by special vote, shall have during that period such powers and functions as may be necessary for these purposes.

6. The Council shall notify the depositary of any decision taken under this article.

Article 43
Reservation

Reservation may not be made with respect to any of the provisions of this Instrument.

DONE at Dhaka, this eighth day of April of the year two thousand, the texts of this Instrument in the Arabic, Chinese, English, French, Russian and Spanish languages being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signatures under this Instrument on the dates indicated.

Annex A

Shares of individual exporting countries in the total net exports of jute and jute products, as established for the purposes of Article 37

Country a/	Average Volume of Net Exports 1996/97 to 1998/99 (000 tonnes)	Percentage Share
Bangladesh	791.57	80.65
India	165.50	16.86
Nepal	11.03	1.12
Thailand	11.10	1.13
Viet Nam	2.30	0.24
Total:	**981.50**	**100.00**

Note:

a/ List restricted to jute-exporting countries which are current or past members of the International Jute Organisation and to those other jute-exporting countries participating in the United Nations Conference on Jute and Jute Products, 2000.

Annex B

Shares of individual importing countries in the total net imports of jute and jute products, as established for the purposes of Article 37

Country a/	Average Volume of Net Imports 1996 to 1998 (000 tonnes)	Percentage Share
Australia	43.10	6.10
Canada	7.90	1.12
China	85.60	12.11
Côte d'Ivoire	18.60	2.63
Czech Republic	1.60	0.23
Egypt	24.20	3.42
European Union		
Austria	0.77	0.11
Belgium/Luxembourg	86.27	12.21
Denmark	1.17	0.17
Finland	0.20	0.03
France	19.27	2.73
Germany	17.50	2.48
Greece	2.93	0.41
Ireland	1.43	0.20
Italy	10.27	1.45
Netherlands	22.03	3.12
Portugal	1.47	0.21
Spain	9.97	1.41
Sweden	0.23	0.03
U.K.	43.53	6.16
Indonesia	12.73	1.80
Japan	37.07	5.24
Malaysia	2.30	0.32
Norway	0.20	0.03
Pakistan	92.20	13.05
Philippines	0.50	0.07
Poland	3.60	0.51
Romania	5.70	0.81
Russian Federation	27.20	3.85
Switzerland	0.33	0.05
Turkey	61.80	8.74
USA	62.80	8.89
Yugoslavia	2.20	0.31
Total:	**706.67**	**100.00**

Note: a/ List ristricted to jute-importing countries which are current or past members of the International Jute Organisation and to those other jute-importing countries participating in the United Nations Conference on Jute and Jute Products, 2000.